

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

LUIS PASTRANA, MARIA SANCHEZ, and
JAYMARIE RAMIREZ and JOMAIRA POTTER by
their mother and natural guardian, Jayscha
Pastrana,

DECLARATION OF SERVICE
07 CV 9252 (VMM)(RLE)

Plaintiffs,

-against-

THE CITY OF NEW YORK, and "JOHN DOE" 1-
10, the names being fictitious and presently
unknown, being employees of the New York City
Police Department,

Defendants.

-----x

STATE OF NEW YORK)
 : SS. :
COUNTY OF KINGS)

MATTHEW FLAMM, declares the following under penalty of perjury
pursuant to 28 U.S.C. §1746:

That on October 16, 2006, I served the SUMMONS AND COMPLAINT upon
defendant City of New York, at The New York City Law Department, 100 Church
Street, New York, New York, that being an address within the State theretofore
designated for that purpose, by personally delivering a copy thereto as evidenced
by the date/time stamp appearing on the annexed copy of the Summons and the
first page of the Complaint.



Matthew Flamm

07 CIV 9252

JUDGE MARRERO

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LUIS PASTRANA, MARIA SANCHEZ, and
JAYMARIE BELIS RAMIREZ and JOMAIRA
MARIE POTTER by their mother and natural
guardian, Jayscha Pastrana,

Plaintiffs,

-against-

THE CITY OF NEW YORK, and "JOHN DOE" 1-10,
the names being fictitious and presently unknown,
being employees of the New York City Police
Department,

Defendants.

SUMMONS
IN A CIVIL CASE

2007 OCT 16 PM 12:45
DEPARTMENT OF SERVICE
CITY OF N.Y. LAW DEPARTMENT
OFFICE OF CORP. COUNSEL
COMMUNICATIONS SECTION

To: THE CITY OF NEW YORK, 100 Church Street, New York, NY 10007; "John
Doe" 1-10

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S
ATTORNEYS

Matthew Flamm, 26 Court Street, Suite 600, Brooklyn, New York 11242

an answer to the complaint which is herewith served upon you, within ____ days after service
of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by
default will be taken against you for the relief demanded in the complaint. You must also
file your answer with the Clerk of this Court within a reasonable period of time after
service.

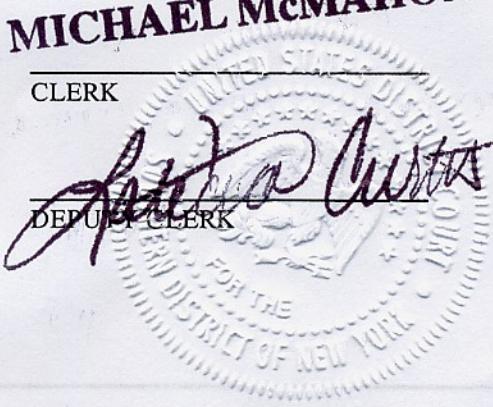
J. MICHAEL McMAHON

CLERK

DATE

OCT 16 2007

DEPUTY CLERK



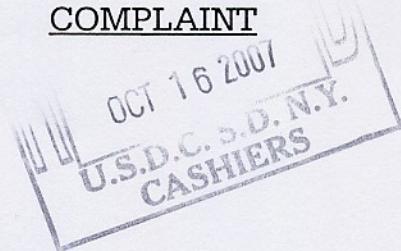
JUDGE MARRERO

07 CIV 9252

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

x

LUIS PASTRANA, MARIA SANCHEZ, and
JAYMARIE RAMIREZ and JOMAIRA POTTER by
their mother and natural guardian, Jayscha
Pastrana,

COMPLAINT

Plaintiffs,

-against-

THE CITY OF NEW YORK, and "JOHN DOE" 1-10,
the names being fictitious and presently unknown,
being employees of the New York City Police
Department,

Jury Trial Demanded

Defendants.

x

LUIS PASTRANA, MARIA SANCHEZ, and JAYMARIE BELIS RAMIREZ and
JOMAIRA MARIE POTTER by their mother and natural guardian, Jayscha
Pastrana, by their attorney, Matthew Flamm, allege the following, upon
information and belief, as their Complaint:

Nature of the Action

1. This civil rights action arises from defendants' August 28, 2006
unlawful entry into plaintiffs' home, destructive search and use of force. Plaintiffs
seek declaratory relief pursuant to 28 U.S.C. §2201, and, under 42 U.S.C. §1983,
compensatory and punitive damages for violation of their civil rights.

2007 OCT 6 PM 12 44
CITY OF N.Y. LAW DEPARTMENT
OFFICE OF CORP. COUNSEL
COMMUNICAS SECTION

Jurisdiction and Venue

2. This action arises under the United States Constitution and 42
U.S.C. §1983. This Court has subject matter jurisdiction pursuant to 28 U.S.C.
§1331 and §1343(3). Plaintiffs requests that this Court exercise pendent
jurisdiction over those state law claims arising out of the same common nucleus of
operative facts as do plaintiffs' federal claims.

3. Under 28 U.S.C. §1391(b), venue is proper in the Southern District of
New York because the events giving rise to the suit occurred in that District.